

WILLIAMSBURG PLANNING COMMISSION MINUTES

Wednesday, March 14, 2007

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, March 14, 2007, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

CALL TO ORDER and ATTENDANCE

Chairman Pons called the meeting to order. Present in addition to Mr. Pons were Commissioners Kafes, Young, Joseph, Hertzler and Driscoll. Absent was Commissioner McBeth. Staff members present were Planning Director Nester, Deputy Planning Director Murphy, Zoning Administrator Rhodes, City Attorney Phillips and Secretary Scott.

MINUTES

Mr. Hertzler moved that the minutes of the February 14 regular meeting be approved with a correction made by Mr. Pons. Mr. Kafes seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Pons, Kafes, Driscoll, Hertzler, Young

Nay: None

Abstain: Joseph (because he was absent from the meeting)

Absent: McBeth

CONSENT AGENDA

There were no cases on the Consent Agenda this month.

PUBLIC HEARINGS

Planning Director Nester stated that the first five cases for public hearings relate to the Center City North area (Merchants Square and areas to the west and north), and will be discussed simultaneously.

PCR #07-008 *Comprehensive Plan Implementation:* Amend the Zoning Ordinance, Downtown Business District B-1, to revise the residential density from 14 dwelling units/net acre by right to 8 dwelling units/net acre by right, and up to 22 dwelling units/net acre with a special use permit approved by City Council. A maximum of 10 units would be allowed on an individual lot. A motion to recommend a density of up to 22 dwelling units/net acre failed on a tie vote of 3-3.

PCR #07-009 Comprehensive Plan Implementation: Rezone approximately 5.34 acres to B-1 Downtown Business District for the following properties that are designated by the 2006 Comprehensive Plan as Downtown Commercial land use.

- (A) 314 Prince George Street from RDT to B-1.
- (B) 203 Armistead Avenue, 514 and 528-1 Scotland Street, and 218 and 220 North Boundary Street from LB-1 Limited Business Downtown District to B-1.
- (C) 205, 215 and 227 Richmond Road; 196 Armistead Avenue; and 616 Prince George Street (the northwest corner of Richmond Road and Armistead Avenue) from RDT Downtown Residential District to B-1.
- (D) 613 Scotland Street (Blayton Building) from RDT and B-1 Conditional to RDT and B-1. This property fronts on Scotland Street between the Blayton Building and the First Baptist Church parking lot.
- (E) 747 Scotland Street from RS-2 to B-1. This property is a part of the Braxton Court Redevelopment Project.

The Commission deferred action to the next meeting by a vote of 5-1.

PCR #07-010 Comprehensive Plan Implementation: Amend the Zoning Ordinance, Limited Business Downtown District LB-1, to increase the residential density from 8 dwelling units/net acre to up to 22 dwelling units/net acre with a special use permit approved by City Council. A maximum of 10 dwelling units would be allowed on an individual lot. The Commission deferred action to the next meeting by a vote of 5-1.

PCR #07-011 Comprehensive Plan Implementation: Amend the Zoning Ordinance to extend the Downtown Parking District west from North Boundary Street to the Delly corner at Scotland Street and Richmond Road to allow the development of new businesses without requiring additional off-street parking. The Commission deferred action to the next meeting by a vote of 5-1.

PCR #07-012 Comprehensive Plan Implementation: Amend the Zoning Ordinance, Downtown Residential District RDT, to require a transitional screening buffer when duplex and multifamily dwellings are adjacent to a lot in a single family PUD District. The Commission deferred action to the next meeting by a vote of 5-1.

Mr. Nester gave an overview of the above-noted cases:

PCR #07-008: This is a proposal to amend the text of the B-1 Downtown Business District by allowing residential density of 14 dwelling units/net acre by right. A maximum of 10 dwelling units would be allowed on an individual lot. The current zoning allows 14 dwelling units per net acre by right. (The original proposal had been for "8 dwelling units per net acre by right, up to 22 with a special use permit. Maximum of 10 units on an individual lot.")

This proposal is also for the B-1 text to be amended to add a five foot side yard requirement when adjoining a lot in a residential district or a lot in the CW District and a three foot side yard requirement for accessory buildings when adjoining a lot in a residential district or a lot in the CW District. With this amendment there would also be a 25 foot rear yard requirement when adjoining a lot in a residential district or a lot in the CW District and a five foot rear yard requirement when adjoining a lot in a residential district or a lot in the CW District. Mr. Nester said that the 2006 Comprehensive Plan states that one of the goals for the development of Williamsburg is to protect and enhance its unique character as well as provide affordable housing for City residents. The provision of housing in mixed-use developments, particularly in the Center City, High Street and Quarterpath Road areas, is encouraged. Continued use and adaptation of residential dwellings is supported in the Center City, and residential uses on the upper floors of buildings are encouraged at a density of 14 and 22 units per net acre, with a maximum of 10 dwelling units in an individual building to encourage a true mixed-use environment. Mr. Nester added that owner-occupancy of these dwelling units is encouraged.

Mr. Nester showed a power point presentation of specific buildings in the Center City area noting the existing number of units per acre from low to high density. In response to Mr. Kafes' query about differing sizes (floor areas) of the units, Mr. Nester said there is no size attached to the specification. Mr. Kafes pointed out that whether there are ten smaller units or four large units, they will look the same from the street.

Mr. Nester noted that in most of the City no density changes are recommended, and the changes that are proposed are in response to development and redevelopment in the downtown area. There are currently 350 dwelling units in the downtown area, and although the changes won't happen overnight, 150 additional units are possible at a density of 22 dwelling units/net acre. According to the most recent census, the City's current population is 13,330. A build-out is estimated by the year 2030 with a population of 19,000, with 5.3% of the projected growth forecast for the downtown area.

Consistency is an important aspect of residential development in the Center City area and as changes are considered in this area, the 22 dwelling units/net acre recommendation of the Comprehensive Plan should be evaluated alongside the action taken by City Council in creating a consistent zoning density of 14 dwelling units/net acre south of Merchant's Square. Mr. Nester said that while the 22 dwelling units/net acre is certainly a defensible density in light of the character of the Center City North area, which had a density of 22 dwelling units/gross acre prior to 1991, there is much to be said for having a consistent density allocation across the Center City area based on the precedent set by City Council for 14 dwelling units/net acre in the Center City South area.

Mr. Nester stated City staff recommends the Planning Commission recommend to City Council that the residential density in the B-1 District remain at 14 dwelling units/net acre by right, but with a maximum of ten dwelling units allowed on an individual lot. He

added that the minor changes to the yard requirements in the B-1 District, as stated above, are also recommended.

PCR #07-009: This proposal is for the rezoning of five areas to the B-1 District, currently in the RDT and RS-2 Districts. Staff recommends that only two of these areas be rezoned at the present time: the northwest corner of Richmond Road and Armistead Avenue and 747 Scotland Street. The property at the corner of Richmond Road and Armistead Avenue is proposed to be rezoned from RDT to B-1 to simplify the zoning categories in the Center City North area. The Williamsburg Redevelopment and Housing Authority proposes a new commercial building and additional parking on the property at 747 Scotland Street which is currently zoned RS-2.

Three other areas originally proposed to be rezoned B-1, are recommended to remain as currently zoned:

- 314 Prince George Street, currently RDT;
- 203 Armistead Avenue, 514 and 528 Scotland Street and 218 and 220 North Boundary Street, currently LB-1;
- A portion of 613 Scotland Street (Blayton Building), currently RDT and B-1 Conditional.

These areas could be proposed for rezoning at a future date in conjunction with a specific proposal that could be considered as a part of the rezoning request.

PCR #07-010: Although the original proposal was 8 dwelling units/net acre by right, up to 22 with a special use permit, the revised proposal recommended by staff is to amend the text of the LB-1 Downtown Business District by allowing residential density of 14 dwelling units/net acre by right, with a maximum of 10 dwelling units on an individual lot. This change would apply to the entire LB-1 District, which is located north of the Prince George Parking Garage between North Henry and North Boundary Streets, extending north to Lafayette Street. It also includes 514 and 528 Scotland Street, 218 and 220 North Boundary Street, and 203 Armistead Avenue

PCR #07-011: The 2006 Comprehensive Plan recommends the extension of the Downtown Parking District to allow the development of new businesses without requiring additional off-street parking. The original proposal was to expand the Downtown Parking District west from North Boundary Street to the Delly Corner, and to also include a portion of 613 Scotland Street (Blayton Building) and 314 Prince George Street (Bruton Parish Rectory). The revised proposal recommended by staff is to extend the Downtown Parking District west to the Delly Corner, but to exclude a portion of 613 Scotland Street (Blayton Building) and 314 Prince George Street (Bruton Parish Rectory).

PCR #07-012: This is a proposal to amend the RDT text to require a transitional screening buffer adjacent to a single-family PUD District. Currently the RDT District requires a 25 foot transitional screening buffer when duplex and multifamily dwellings

are adjacent to a lot in the RS-1 and RS-2 Districts; the amendment would add the PUD District.

Chairman Pons opened the public hearing for comment on the above-noted cases.

Hubert Alexander, 532 Burbank Street, said he is one of the founding members and long-time chairman of the Williamsburg Redevelopment and Housing Authority. He said that years ago when they secured the property, the members of the Authority promised the black members of the community that the *Blayton Building* would remain a safe haven for seniors. It was the intent of the Authority that it would be enlarged over the years to care for a long and growing list of seniors who may need the facility. The proposed change would be a total disregard for the continuity of the ambiance of the area. He noted there are no parks or playgrounds in the area. Mr. Alexander concluded his comments by asking that the Commission recommend denial of the change to add B-1 zoning beside the Blayton Building on Scotland Street and ask the Housing Authority to provide safe, sanitary housing. He added that a large number of the members of the adjacent First Baptist Church are present today in support of his comments. Mr. Kafes asked the size of the units at the Blayton Building and if it is an assisted living facility. Mr. Alexander said the units are one bedroom with most of them housing one person. They are strictly residential with no assisted living facilities offered. Mr. Kafes confirmed with Mr. Alexander that he sees a need for smaller apartments in the downtown area suitable for one person.

Susan Gaston, speaking on behalf of the Williamsburg Area Board of Realtors located at 5000 New Point Road in James City County, said the group supports higher density opportunities and have so stated in a Virginia Gazette article. She said the higher density would provide more conveniences, more amenities, more housing opportunities and would decrease the cost of land per acre. Higher density would save tax payer's dollars and decrease the need for more utilities. Mrs. Gaston concluded her comments by saying there may be a perceived problem with high density, but she believes this is due to a poorly designed project rather than the number of units. The Williamsburg Area Board of Realtors supports higher density, but does not take a position on a specific number of units per acre.

Mr. Kafes asked if the Board particularly supports workforce housing or senior housing, and Mrs. Gaston said the Board supports any type of housing.

Jim Wesson, 520 Jamestown Road, thanked the members of the Commission, Planning Department staff and the City Attorney for serving the City of Williamsburg. He said he realizes serving on the Planning Commission often presents "no win" situations and they have done a good job. He said he moved to Williamsburg in 1972 and used to be able to jump over fences to get to a playground, but can no longer do this. Although the Kiwanis Park and playground are within City limits, we need a park/playground within walking distance. He concluded his comments by saying we all should feel blessed to live in the City of Williamsburg.

Jim Kammert, 108 Richmond Hill Court, said that in November 15, 2006 he attended a meeting of this body regarding City Center South. He said he has read the complete Comprehensive Plan and it contains sweeping changes and although it is broad daylight, we are still in the dark about what is in store for the Downtown North area. Now we have Jamestown 2007 with more timeshares although we've been in a tourism downturn. Do more jobs need to be created? The exchange visitor issue is not addressed in the Plan. We need to look at longer-term projections for service workers and probably provide more lower-priced housing. The municipal complex takes up a lot of space downtown. The Plan just doesn't add up; what about preventing sprawl, do we really have this problem here? What is driving the Plan? Some say service jobs are not the jobs we should be creating. The *Stop 22* group wants to participate in consensus-building measures. We need to look at how we can replicate successes and avoid mistakes. *Stop 22* gathered over 600 signatures opposing the increase in density. We want to understand what the true needs are and what is really going on. We need to consider the alternatives and first do no harm; don't kill the "golden goose".

James Baker, a recent citizen to the City, said he is present to express opposition to construction next to the Blayton Building. What's driving this need? There is a belief that there's a desire to eliminate blacks and poor from the City of Williamsburg. Blacks have been exiled to counties. They have been displaced and this is only the toenail of the problem. He said he hopes the perception is not the reality. There seems to be no desire to build affordable housing; where will the displaced live?

Chairman Pons responded that it breaks his heart if that's the perception. We want to create a community that welcomes everybody. Commissioner Joseph invited all to attend the Neighborhood Council meetings which belie that statement. They are working diligently to change that perception; lots of times the issue is economic rather than racial. Neighborhood Council meets the first Saturday of the month from 8:00 – 9:00 a.m. in the conference room on the third floor of the Municipal Building.

Marion Ashby said she was born in Williamsburg and has worked on the Williamsburg Redevelopment and Housing Authority and chaired the building committee for the elderly. She said that over 30 years ago the committee had a vision for the expansion of the Blayton Building and that a commercial venture is not appropriate at that location. She asked that the Commission not rezone the area.

Jodi Mincemoyer, 225 Virginia Avenue, thanked the Commission for the opportunity to speak. She said we the citizens of the City of Williamsburg must accept growth and be a part of the solution. She moved here in the late 80's and we have reason to provide for the future. Ms. Mincemoyer works on the *Virginia Organizing Project* which plans for affordable housing. An increase in density is one tool that can be used to reduce traffic by concentrating people and services together as well as saving greenspace. Concluding her comments, Ms. Mincemoyer said that unfortunately we have missed a critical opportunity to provide quality affordable housing with the High Street project; she

hopes it does not happen again. We have creative minds to deal with challenges and we need to be vigilant.

Nancy Hummel with the League of Women Voters in the Williamsburg area said their position on housing is to support action within the three area governmental jurisdictions and encourage them to meet the needs of the lower and moderate income population. Planning concepts should permit a variety of population densities.

Else Castleman, a resident of the Blayton Building, said parking space is desperately needed at the site. When residents or their guests have to park elsewhere at night, sometimes in the library parking lot, it could develop into a bad situation. Please use the land for additional parking.

Tom Mainor, 506 Newport Avenue, noted that it took him 7½ minutes to walk here today. When talking about the revitalization of the downtown area we need to look at the stores and shops in relation to walkers. Also with the move of the hospital out of the City, we've lost health care resources and we need a pharmacy within walking distance.

Nancy Sparling, Counselors Close, noted a recent article in the New York Times that characterized the City of Williamsburg as being quiet, tree-lined boulevards of this revitalized Colonial town. We need to keep in mind scale, the reality of minimum wage, and the character of our town.

Mr. Malone, a 13 year resident of the City, spoke of the character of the City of Williamsburg as the Crown Jewel, the Hope Diamond of the world. He offered compliments to the Commission, but asked that they please hear us and preserve our City.

Shirley Hundley, a resident of the Blayton Building, said she was born here and been here all her life. She said the Blayton Building needs more units and more parking and asked the Commission to please remember this need when making their plans.

Amy Barley, a resident on Indian Springs Road, said it troubles her when she hears "either or" situations. We can increase density and preserve character at the same time; it just needs to be done well. We are a very committed community and need to take control of growth and see how we can help.

Terence Wehle, 412 Harriet Tubman, thanked the staff and Commission members for their hard work. He said he is very encouraged by what Mr. Nester has proposed regarding the LB-1 District and 14 units by right. However, he asked that if the 14 units/net acre is approved, the special use permit requirement be reinstated to allow additional leeway. This is because of the setback requirements and the fact that a developer will build right up to the street. He suggested that if the 14 units/net acre is approved, there be a requirement of increased greenspace. He added that he supports

Mr. Alexander's comments; if it is rezoned to business, the ability to add the wing and parking at the Blayton Building will be lost.

Commissioner Young thanked Mr. Wehle for his comments. He said the Commission hears a lot of reactive comments from people about everything bad, but no solutions are offered. Mr. Wehle however, has done something about it and that's what makes it all work. Mr. Young again thanked Mr. Wehle for his participation.

Nanci Bond, 416 Suri Drive, said the Kinnamon townhouses will eventually need renovation and maybe even be torn down. What do we want to look at? Cannot be low-cost housing, the land is too costly. We need a format for open discussion and need to enlist the economic development manager. We need to know the size of the lot when we are talking a maximum of ten units on one lot. Also landscape and greenery need to be seriously considered. B-1 allows a lot of uses not compatible with what we want. With the fragmented, small lots, we don't need more gas stations or parking garages; these are not the kind of uses that are needed.

Bob Singley said he has a vested interest in the viability of our City; he was raised here and owns two properties in the Center City North area. Prior to adopting the Comprehensive Plan, there was 18-24 months of engaging, transparent meetings; staff and Commission should be commended. He said he supports the proposal of 14 units per net acre in LB-1 and B-1 without a special use permit and no more than 10 units on one lot. He added that he personally will not benefit from this because he has no residential property in the City. The vision for mixed use in the downtown area would be satisfied with an added benefit of improved aesthetics and with the architectural review and site plan review processes; the City would maintain control.

Sarah Nugent thanked the Commission for listening to all the speakers. She said open space is shrinking and noted an article in the Virginia Gazette recently about high density making the area vibrant as well as cutting down on traffic; the writer is in Fantasyland. Williamsburg will lose charm. She said she and her husband live in a very wooded area now and if trees are taken down they will be in tears.

Jim Spandleman, moved from Manhattan to Counselors Close in 2005 and he knows about density. He suggested all the fervor regarding growth doesn't stem from concern about finances but from the vibrancy of the City. There are two major enduring institutions, the College of William and Mary and the Colonial Williamsburg Foundation. These institutions guarantee a certain level of vibrancy for our community. If there is certain minimal growth, so be it, but don't feel like we have to take every open space and fill it. Expansion changes the charm and beauty of an area and we need to maintain the speciality of our City.

Bill Dell, 322 Indian Springs Road, said reasonable growth is fine, but the question is what defines "reasonable". Mr. Dell said 14 units per acre by right is not the way to go; we need to make it 8 units per acre by right and 14 units with a special use permit. We

need to talk about the overall benefit to the City; a special use permit is not too much to ask.

Sharon Scruggs, 119 Woodmere, said she has four children and six cars. Some homes in the area are huge, in excess of 3,000 square feet, and often house only a couple. She noted the rooms in the Blayton Building are only 600 square feet and house either one or two people. Mrs. Scruggs stated she supports increasing the density in certain areas.

There being no additional comment the public hearing was closed.

Chairman Pons thanked the planning staff for the comprehensive package presented and said it represents the history of the proposals and is reflective of what has been heard. He asked for comments from the Commissioners.

Mr. Kafes agreed with Mr. Pons' compliments to the planning staff. He said he has no objection with the boundaries of the B-1 District, the downtown parking extension or the transitional screening, but the density issue, which seems to be the key issue, needs to remain as originally presented, 22 units per acre; this is not that dense. This is 50 units with 100 people and the area can handle this number. We're really talking about the size of units. Many of the lots under discussion today are vacant and present zoning hasn't worked well; there isn't enough incentive for potential developers. The special use permit gives a lot of discretion and we can look at more subjective factors. We need to stay with the original proposal. We need more small, affordable units; there is no reason to require larger units. Mr. Kafes concluded by reading portions of the Comprehensive Plan in support of the original proposal of 22 with a special use permit required for a proposal in excess of 8 units per acre.

To the gentleman from Manhattan, Jim Spandleman, Mr. Young said just to give him an idea of how long the process has been, the Commission was starting on review of the Comprehensive Plan even before he left Manhattan; there have been ample opportunities for discussion. We have heard the comments about the availability of housing and the desire to live near work, shops, and services. The desire to have jobs and employment close together requires a population density that allows the services to be available. But if people are not there, shops won't be there either. Growth is going to occur; we need to accept that fact and manage it in the best way. There is no magic number, but walking to shops and services won't happen with the current density; no people, no services. We had a good plan in place and Mr. Nester has put together a reasonable compromise.

Mr. Hertzler said the speakers today are painting a grim picture. Although he is an advocate of higher density, he said the number is not too important; the end result is a really cool downtown. He said he considers the special use permit a critical part of the proposal because it allows the Commission to hone in on specifics whether it be 14 or 22 units per acre.

Mr. Driscoll said he has been on the Commission about six months and encourages people to get involved with the issues; it is easy to do. He respectfully disagrees with the term "revitalization" of our downtown. We have a vital and vibrant community; we just need to tweak it. He said he has talked with a number of folks and has found the definition of "affordability" is different for different people. Those folks involved with not-for-profits would like to not only work here but live here. We need to look at all the different needs, affordability, care for our seniors and care not to disenfranchise folks who have been here for years. The special use process would allow a better look at the project and he said he favors up to 22 units in a certain area with a special use permit. Mr. Driscoll suggested the number of people who could move into town probably would not exceed the number we had in the period 1970-75. He added that he has a problem with the Draconian *Stop 22*.

Mr. Joseph said we are only speculating about what's going to happen, we don't really know. Currently 14 units without a special use permit are allowed; this means only nine different residences in this particular area. Is it worth the aggravation for nine residences? Whether it's 14 or 22 units per acre either is tolerable; it will work within the City. The problem is finding a great concern of the general population is about control and there is enough valid apprehension to warrant a look at the recommendation of staff. Staff has taken a balance of extremes and come up with a program that will ease the concerns about growth. Mr. Joseph concluded his comments by saying he thinks we have enough controls on the 14 units without a special use permit and he is a strong advocate of staff's proposal.

Mr. Pons said we need to be willing to take some risks because otherwise we will never grow and without growth we will die. A lot of the fears we're hearing about are due to the growth in the communities around us. There is marginal difference between 8, 14 and 22 units and with the special use permit process, we can review proposals.

Mr. Joseph reiterated that if the current proposal of 14 units is not approved we will be perceived as not listening to anybody, including City Council.

Mr. Hertzler agreed and said we need to incorporate citizen comments. The difference between 14 and 22 is negligible. He asked what our vision is; and said we need to extend the conversation that was started today. There is tremendous energy around the downtown area and clearly a lot of passion. We have a lot of really smart people who care deeply. He proposed a subcommittee be organized to study and refocus our vision. Mr. Hertzler suggested we might consider bringing in outside consultants, maybe world-renowned companies such as UDA, Urban Design Associates, who were involved in the Norfolk and Historic Portsmouth revitalization and the firm of Cooper Robertson. He said we need to do what we need to do today, but continue to take a look at the issue.

Mr. Kafes said we don't need to study this to death; it's been under study for several years. WE are the task force and we have all the input we need. We are to make a recommendation to City Council that is in the best interests of the City. It is then up Council to take into account opposing viewpoints.

Mr. Kafes moved the Commission recommend approval of the proposal as recommended by the Comprehensive Plan, to allow density up to 22 units per acre subject to a special use permit where more than eight units are involved.

Mr. Nester said that each of the cases needs to be voted on separately and clarified that staff now recommends 14 units per acre by right and a maximum of ten units on an individual lot.

Mr. Kafes amended his motion to specify that the Commission recommends approval of PCR #07-008 with the maximum of 22 units/net acre subject to a special use permit for more than eight units/net acre. Mr. Pons seconded the motion.

Mr. Joseph asked if he could make an alternative motion. Attorney Phillips said that first we need to see if the existing motion maker and person who seconded the motion would accept an amendment to their motion. If not, an alternative motion can be made.

Mr. Phillips clarified that Mr. Kafes' motion should be "up to and including 22 units" rather than "a maximum of 22 units".

Mr. Joseph asked if an amendment to the motion for 14 units/net acre would be accepted; Mr. Kafes said he would not accept the amendment to the motion.

Mr. Joseph moved that Planning Commission recommend approval of 14 units/net acre by right with a maximum of ten units on an individual lot.

Mr. Pons seconded the motion.

Mr. Driscoll suggested that whether it is 14 or 22 units, we may want a special use permit requirement so we can review proposals on the 14 or 22 units. Mr. Joseph said he has no objection to this if the body is in favor.

Mr. Hertzler responded that would not give enough benefit to entice a potential developer. He suggested if we go with 14 units don't require a special use permit and if we want a special use permit requirement, then we need to provide the opportunity to raise the density up to 22 units.

Mr. Pons withdrew his second of Mr. Joseph's motion, however Attorney Phillips clarified that Mr. Pons said it was not amenable to add the special use permit requirement so the motion stands as presented at 14 units/net acre by right.

Mr. Young said the Commission is reacting by throwing stuff in the air and seeing what sticks. If we believed 22 was the right number then we need to vote for that; but if after hearing citizen comments, conversations on the street and editorials we've been convinced that it is wrong then we need to take another look at it. Mr. Joseph stated that he agrees to an extent, but still believes 22 is wrong; 14 units/net acre is manageable.

Mr. Young stated that after 2+ years, we are doing exactly what he said would be wrong. We've studied and believed in the 22 units per net acre and this is not the time in the process to change our recommendation.

Mr. Pons said the difference between 14 and 22 is not significant and he hears from a lot of residents that they do not want the 22 units/net acre. He said he supports staff's recommendation and Mr. Joseph's motion.

Mr. Driscoll pointed out that there has been a very vocal group opposing the proposal for 22 units/net acre and today there is another group asking what about affordable housing downtown. Everyone has said they love the town and want to preserve it; the special use permit process allows us this control.

Call for the vote on the substitute motion: 14 units/net acre by right, and a maximum of ten units on one lot. The motion was defeated by roll call vote of 2-4.

Recorded vote on the motion:

Aye: Joseph, Pons

Nay: Kafes, Young, Hertzler, Driscoll

Absent: McBeth

Call for vote on the first motion: 22 units/net acre subject to a special use permit for more than eight units. The vote for the motion was a tie by roll call vote of 3-3.

Recorded vote on the motion:

Aye: Kafes, Hertzler, Driscoll

Nay: Young, Pons, Joseph

Absent: McBeth

Attorney Phillips clarified that this vote means the Commission is not making a recommendation to City Council.

Mr. Kafes moved that the remaining related cases (**PCR #07-009-#07-012**) be tabled to the next meeting.

Mr. Young seconded the motion which carried by roll call vote of 5-1.

Recorded vote on the motion:

Aye: Kafes, Driscoll, Hertzler, Young, Joseph
Nay: Pons
Absent: McBeth

PCR #07-013: Request of S.L. Nusbaum Realty Co. to rezone approximately 14.88 acres at 1440 and 1450 Quarterpath Road (northwest corner of Route 199 and Quarterpath Road) from RS-1 Single Family Dwelling District to ED Economic Development District Conditional (with proffers). It is proposed to build the Quarterpath Crossing Shopping Center with 100,000 to 125,000 square feet of floor area. The Commission recommended approval of the rezoning and approved subdivision of the plat, contingent on Council's approval of the rezoning, by a vote of 4-1-1.

Mr. Nester reviewed the request for rezoning noting that the commercial use in the mixed use area fits in with the Comprehensive Plan's recommendation of mixed use development. Most of the area is in the Corridor Protection District and would have architectural review. The site is located across Quarterpath Road from Riverside Health System's *Quarterpath at Williamsburg* mixed-use project. The 2006 Comprehensive Plan states that in conjunction with the neighborhood commercial component of *Quarterpath at Williamsburg*, this 15-acre area will provide an appropriate location for a well planned commercial center. A special use permit will have to be approved to allow modifications to the greenbelt since the conceptual plan shows a greenbelt buffer of 50 feet and 75 feet is required.

Mr. Nester said a traffic impact analysis has been completed, the applicant is working with the City's Public Works and Utilities department to extend public water to the site along Quarterpath Road, and staff does not feel that a fiscal impact analysis is needed for this project. He noted that the *Quarterpath Crossing Shopping Center* will add 100,000 to 125,000 square feet of shopping center use to the 400,000 square feet proposed as a part of the *Quarterpath at Williamsburg* development. Major street improvements are proposed in conjunction with the development of *Quarterpath at Williamsburg* and *Quarterpath Crossing*.

Mr. Nester noted the proffers submitted with the rezoning request:

- There will be no residential dwelling units on the property.
- Quarterpath Road/Route 199 intersection improvements will be made prior to final site plan approval.
- Infrastructure improvements to extend a water line along Quarterpath Road to the property will be completed prior to the issuance of a certificate of occupancy for the shopping center.

Mr. Pons said he will recuse himself from discussion and voting on this request due to the proximity to the hotel he manages, the Quarterpath Inn.

First Vice-Chairman Hertzler took the gavel.

Commission discussion points included:

- waterline details and related utilities
- Timing of improvements to Quarterpath Road so as not to disturb what has already been accomplished
- The close proximity of Quarterpath Crossing to the shopping areas of Quarterpath at Williamsburg

Mr. Kafes questioned having two shopping centers across the street from each other and Mr. Nester said this has always been part of the plan. Mr. Joseph expressed the concern that they may dilute one another as well as compete. Although Mr. Young noted it is a free-market system, Mr. Joseph responded that they both might die.

Vice-Chairman Hertzler opened the public hearing.

Paul Gerhardt with the Williamsburg office of Kaufman and Canoles, 4801 Courthouse Street, was present representing SLN Quarterpath Associates and Nusbaum Realty Company. He introduced his partner, Alvin Anderson, who noted that the *Quarterpath at Williamsburg* project is the product of the investment of a lot of time, expertise and money. Riverside decided it was important to get world-class designer, Sasaki and after the market was tested and the market level was determined, they recommended that Williamsburg not be an extension of Jefferson Avenue, but to be a cut above. The market study confirmed that the Williamsburg market can support shopping centers on both sides of the road and traffic plans were designed to accommodate both projects.

Mr. Gerhardt thanked Mr. Nester and his staff for the excellent presentation. He said one item not previously noted is that they have been working on this project for two years. Williamsburg residents demand high architectural standards and Nusbaum Realty has been working to provide good tenants.

In response to Mr. Kafes' question if the tenants will be similar to Monticello Marketplace and will there be a grocery and a pharmacy, Mr. Gerhardt introduced Stephan Gordon with Nusbaum Realty who is in charge of leasing for the project. Mr. Gordon said there will be an upscale grocery store as the primary anchor with a mix of other tenants such as gift shops, banks, restaurants and service establishments.

Jim Kammert, 108 Richmond Hill Court, asked about the fiscal impact analysis that planning staff says is "not required"; what exactly does that mean. Does the analysis give projected revenues versus estimated costs, and if so, why isn't it required?

Mr. Gerhardt responded that this study was done by ERA, Economic Resources Associates, in connection with the Riverside project across the street and it addresses the economic analysis. In clarification, Mr. Kammert said, so it's essentially already been done and the City comes out ahead? Mr. Gerhardt answered that is correct.

Nancy Carter, 3 Hague Close, said she is dismayed with the proposed decrease in the greenbelt buffer; Williamsburg is made unique by our trees and green space. If the requirement is reduced it would be contrary to one of the unique characteristics of our City. Also, how many shopping centers do we need? Will the developers guarantee that it will be upscale?

There being no additional comment the public hearing was closed.

Mr. Driscoll asked how the buffer would be changed. Mr. Nester responded that this is a conceptual plan at this time. There is a buffer requirement of 75' along Rt. 199. He clarified that the rezoning doesn't approve any modification to the buffer, it is only a mechanism to request a modification. The issue is of striking a balance between the required greenbelt and need for visibility for the shopping center.

Mr. Kafes said we all need to look at the mix of residential and commercial use in the City. It is not advisable to add more retail at this time. In the 2006 City of Williamsburg Economic Development Plan, it is stated that we have a need to offer higher wage jobs and there is very little land left for development. We need to be very careful about what zone this wonderful 14 acres is designated. The Economic Plan states this is a wonderful location for an office park, not another grocery. It says Williamsburg's economic vitality currently depends on the hospitality and retail trades. In the Daily Press yesterday an article noted a need in the next ten years for 50,000 more low-wage workers. These workers will cost more in services that need to be provided than they will contribute. We have little to attract well-educated people. The Plan also says we need to put an emphasis on the use of available land i.e. professional businesses rather than the retail proposed; we are already skewed toward retail trade. Mr. Kafes gave figures defining the average weekly wage earned by hospitality and retail workers versus professionals and concluded that for this and the above-stated reasons it would be a mistake to rezone.

Mr. Driscoll respectfully disagreed. He said the shopping center would take half the cars off the road to Ukrops and be better for the environment.

Mr. Joseph agreed with Mr. Driscoll, for one reason we are trying to build our center city and this would reduce traffic into town.

Mr. Kafes clarified that when he commented that there are many supermarkets in town, he was not talking just about within the City limits; his comment included James City County and York County also. Mr. Kafes noted that currently part of many shopping centers are half-abandoned and he would hate to see this happen in Williamsburg, but there is the potential for problems in not too many years.

Mr. Hertzler said it is sprawl in the making and would have a vastly greater impact on the City than the previous zoning cases. He suggested the need to seriously look at Mr. Kafes' questions and have continued dialogue. It's a dilemma; why tear down yet

another area of woods to put up another shopping center when others are going downhill. He said he's sure the developers will do a great job; they have put together a great team.

Mr. Driscoll moved that the Commission recommend approval of the rezoning from RS-1 to ED Conditional and approval of the subdivision plat contingent on Council's approval of the rezoning.

Mr. Joseph seconded the motion which carried by roll call vote of 4-1-1.

Recorded vote on the motion:

Aye: Driscoll, Hertzler, Young, Joseph
Nay: Kafes
Abstain: Pons
Absent: McBeth

PCR #07-014 Comprehensive Plan Implementation: Amend the Zoning Ordinance, ED Economic Development District, by adding provisions allowing modifications to the vegetation and width of a required greenbelt adjacent to retail and other commercial use when such modifications are reasonably necessary to provide the visibility needed for these uses, and when such modifications preserve the landscaped and tree-lined character of the greenbelt street. A special use permit, approved by City Council, would be required. The Commission recommended denial of the amendment by a vote of 5-1.

Mr. Nester said the 2006 Comprehensive Plan recommends establishing a special use permit process to allow adjustments to the vegetation and width of a required greenbelt so that the proper balance can be found between preserving the character of our corridors and allowing the visibility necessary for commercial development.

Mr. Kafes expressed concern about the large area along Route 199 this would impact.

Chairman Pons opened the public hearing.

Alvin Anderson, Kaufman & Canoles, noted that this amendment would merely give the applicant an opportunity to come forward with a plan prepared by a professional landscape architect.

Nanci Bond, 416 Suri Drive, said she is concerned with the diminishing number of trees and the increasing amount of asphalt along Routes 143 and 60. She said our trees need to be purposefully and permanently protected. Mrs. Bond added that in Hilton Head people seem to have no problem finding commercial establishments without tearing down vegetation.

Nancy Carter, 3 Hague Close, stated that she agrees with Mrs. Bond and added that she also has observed areas that have large buffers yet the stores seem to do a thriving business.

Terence Wehle, 412 Harriet Tubman, said his comment is not about this particular project however, the public has spoken today and he wonders what the purpose is of a public hearing? At one of the meeting in November, 2006 Mr. Young said there were ten who spoke against the rezoning on South Henry Street and two who spoke in favor. Mr. Young explained that the proposal was what the Comprehensive Plan stated and that we would have a chance to voice our opinion in front of City Council. Mr. Wehle asked what the purpose is of a public hearing with the Planning Commission. Vice-Chairman Hertzler asked Mr. Wehle to present these comments during the upcoming Open Forum portion of the meeting since his comments are not about this particular case. Mr. Wehle responded that he's said all he has to say.

Jim Kammert, complimented Commissioner Kafes for not only reading the Comprehensive Plan, but also trying to reconcile the different parts of it. How do you reconcile needed visibility and adequate greenbelts? He said he believes in property rights but we also must have certain principles. It's understood that retail establishments need visibility, but we're in a tough situation and need to try to stick to the established principles; hold out for what you see as the vision for the City.

There being no further comment the public hearing was closed.

Mr. Joseph stated that he is against any modification of the buffer along Route 199. They don't need it for the stores and services they will have and the buffer should remain complete with no visibility.

In response to Mr. Wehle's question about whether speakers at public hearings are heard, Mr. Driscoll answered that the Planning Commission does listen. The situation may have been that there were a multiple of opinions, but they weren't your opinion.

[Mr. Hertzler returned the gavel to Chairman Pons.]

Mr. Kafes agreed with prior comments and added that although businesses need visibility, they do not have to be actually seen. Appropriate signage can do the work.

Mr. Young agreed that as shown at the entrance of the Holly Hills Carriage Homes, a 75 foot greenbelt is not a lot. He said he is sympathetic with businesses, but there are other ways to advertise your presence.

Mr. Driscoll suggested that it may be a better idea to table this case because the plans of how the buildings will be arranged could change within the next two, three or four years.

Attorney Phillips advised that because there has not been a motion, if the desire is to defer action then simply defer action.

Mr. Joseph said he wants to go on record of what we want.

Mr. Hertzler said he is always in favor of flexibility; however, we have our standards and want our corridors preserved and enhanced. The 75' buffers are only a thin veneer; is this truly the best mechanism to adhere to our standards? Is there a way we can do this on case-by-case basis?

Mr. Young said he would like to see a more specific recommendation from staff rather than a blanket proposal.

Mr. Pons agreed that the current requirement of 75' is only a thin veneer, but if applicants have the opportunity to make the buffer more attractive and design a well manicured area without shrinking the 75', it would have an even greater effect on the buffer.

Mr. Joseph said the buffer has to be protected and wants the Commission to go on record for "no visibility from Rt. 199".

Mr. Young asked if there is a mechanism for a zoning appeal. Attorney Phillips answered that the State Supreme Court has placed very strictly limited conditions on variance approval. The granting of a variance needs to be a clearly demonstrable hardship arising out of the shape or configuration of the property approaching confiscation. If there is a problem that needs solving, it needs to be solved at this level, not at the Board of Zoning Appeals level.

Mr. Kafes moved that the Commission not recommend any modification of the greenbelt at this time. Mr. Joseph seconded the motion which carried by roll call vote of 5-1.

Recorded vote on the motion:

Aye: Driscoll, Hertzler, Young, Joseph, Kafes

Nay: Pons

Absent: McBeth

OPEN FORUM

Chairman Pons opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment from the audience the Open Forum was closed.

SITE PLANS AND SUBDIVISIONS -- None

OLD BUSINESS -- None

NEW BUSINESS -- None

OTHER

Good of the Order

City Attorney Phillips clarified a point of order and asked that the minutes reflect that the earlier motion to table the remaining cases for public hearings should have been "to defer to the next meeting". Also, he added that the motion that was deadlocked, not approved nor denied, can be renewed at the next meeting (PCR #07-008). Mr. Pons noted that City Council meets before the next Planning Commission meeting. Mr. Kafes asked if City Council needs to wait to make their decision until they receive a recommendation from the Commission, and Mr. Phillips responded they do not.

Work Session

The next Planning Commission work session is scheduled for Wednesday, March 28, 2007, at 4:00 p.m. at the Municipal Building, 401 Lafayette Street. The topic for discussion will be hotel and motel regulations.

INFORMATION ITEMS

Report from City Council
Planning Department Monthly Report
Monthly Financial Statement

There being no further business the meeting adjourned at 7:30 p.m.

Douglas Pons, Chairman
Williamsburg Planning Commission

PUBLIC HEARINGS SCHEDULED FOR APRIL 18, 2007

PCR #07-003: Request of Armistead House, LLC for a special use permit for an inn with up to eight bedrooms at 320 North Henry Street. The property is zoned LB-1 Limited Business Downtown District.

PCR #07-015: Request of Richard and Pamela Arms for a special use permit to allow ministorage warehouses at 5151 thru 5241 Mooretown Road. The project consists of four buildings of four stories to be constructed in four phases. The properties are zoned B-2 Corridor Business District.